

**Minutes
HEARING OFFICER
NOVEMBER 4, 2003**

Minutes of the regular meeting of the Hearing Officer, of the City of Tempe which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Present:

Steve Venker, Planning & Zoning Manager (who at this meeting acted as Hearing Officer)
Steve Abrahamson, Planner II
Sherri Lesser, Planner II
Jon Christopher, Planner I

Absent:

None

Number of Interested Citizens Present: 17

Meeting convened at 1:30 PM and was called to order by Steve Venker.

Steve Venker approved the Hearing Officer minutes for the October 21, 2003 meeting.

Steve Venker noted that the following case had been administratively withdrawn:

RRC03046 Request by **LEATHERWOOD BROTHERS AZ, LLC d.b.a. THE BIG BANG** for the following located at 501 South Mill Avenue in the CCD, Central Commercial District:

- a. Use permit to allow a bar
- b. Use permit to allow live entertainment.

Steve Venker noted the following case has been continued:

BA030176 Request for the following by the **ENOS RESIDENCE** to allow the addition of a carport cover located at 1923 East Alameda Drive in the R1-6, Single Family Residential District:

- a. Use permit to allow required parking to encroach into the front yard setback.
- b. Variance to reduce the front yard setback from 25 feet to 14 feet.
- c. Variance to reduce the front yard setback from 25 feet to 14 feet Variance to reduce the east side yard setback from 7 feet to 0 feet.

(CONTINUED TO THE JANUARY 20, 2004 HEARING OFFICER)

Steve Venker took action on the following cases:

BA030216 Request by **HOND-MAN AUTO CARE** for a use permit to allow a modular office building located at 1860 East Apache Boulevard in the C-2, General Commercial District.
(CONTINUED FROM OCTOBER 7, 2003 HEARING OFFICER)

Mr. Tait Johnson was present to represent this case.

Approved subject to the following conditions:

1. The use permit is valid for Hondman/Tait Johnson only and non- transferable.
2. Any expansion or intensification of the use shall require a new use permit to be approved.
3. If there are any complaints arising from the uses herein permitted that have been verified by a consensus of the complaining party and the City Attorney's office, and that cannot be resolved between the complaining party and the applicant, the case may be returned to the Board of Adjustment and another public hearing set to re-evaluate the use permit.
4. Use permit is valid until December 4, 2004, the modular office to be removed from the property within thirty days **(1/4/05)** of the expiration of the use permit. **MODIFIED BY PLANNER**

BA030228 Request by the **QUIKTRIP CORPORATION** for the following located at 1116 East Broadway Road in the C-2, General Commercial District:

- a. Variance to allow one (1) freestanding individual tenant identification sign in lieu of a center identification sign.
- b. Variance to allow a third freestanding tenant identification sign on the same street frontage.
- c. Variance to increase the maximum allowable sign area from 80 s.f. to 95.87 s.f.

(CONTINUED FROM OCTOBER 7, 2003 HEARING OFFICER MEETING)

Mr. Steve Bauer was present to represent this case.

OPPOSITION:

Attorney Michael C. Larsen, representing the adjacent property owner, Mr. Richard Pennell, located north and west on Jentilly Lane of Quiktrip's proposed signage location, stated that the signs were too large.

DECISION OF HEARING OFFICER:

Steve Venker, acting as Hearing Officer, continued this case to the November 24, 2003 Board of Adjustment meeting.

BA030241 Request by the **MEYERS RESIDENCE** for a variance to reduce the east side yard setback from 15 feet to 7 feet to allow a room addition located at 953 East Westchester Avenue in the R1-15, Single Family Residential District.
(CONTINUED FROM OCTOBER 21, 2003 HEARING OFFICER MEETING)

Due to written opposition, Steve Venker, acting as Hearing Officer, continued this case to the November 24, 2003 Board of Adjustment meeting.

BA030243 Request by **HUNTINGTON SQUARE SHOPPING CENTER – R & R FOODS LLC d.b.a. SUBWAY** for a use permit to allow a restaurant located at 3109 South Mill Avenue in the C-2, General Commercial District.
(CONTINUED FROM OCTOBER 21, 2003 HEARING OFFICER MEETING)

Mr. Naresh Mago was present to represent this case.

Approved subject to the following conditions:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to construction.
2. All conditions of the Tempe Design Review Board/Staff shall be adhered to.
3. This use permit is valid for the plans and operations as submitted to and approved by Hearing Officer.
4. The use permit is valid for **HUNTINGTON SQUIRE SHOPPING CENTER– R &R FOODS LLC. d.b.a. SUBWAY** and may be transferable with approval from the Board of Adjustment staff.

BA030244 Request by **RHYTHM SECTION INC. d.b.a. CLUB TATTOO** for a use permit to allow tattooing, body piercing and clothing retail located at 825 South Rural Road in the C-2, General Commercial District.

Due to non-representation, Steve Venker, acting as Hearing Officer, continued this case to the November 18, 2003 Hearing Officer Meeting.

BA030245 Request by **IDS CENTER** for a variance to allow a freestanding double faced non-illuminated multi-tenant identification monument sign located at 916 South 52nd Street in the I-2, General Industrial District.

Mr. Ron Vincent was present to represent this case.

Approved subject to the following conditions:

1. Comply with all Design Review Board conditions of approval.
2. Sign illumination details (if any) shall comply with the Dark Sky Ordinance.
3. All permits and clearances required by the Building Safety Division shall be obtained prior to the variances becoming effective.
4. Any variances or use permits not specifically requested by the applicant at this time will require separate processing.

BA030246 Request by **CROSSROADS PROFESSIONAL VILLAGE** for following located at 2147 East Baseline Road in the PCC-1, Planned Commercial Center District:

- a. Variance to allow two (2) freestanding multi-tenant identification signs.
- b. Variance to allow a second freestanding identification sign on the same street frontage.

Mr. Dennis Martin was present to represent this case.

Approved subject to the following conditions:

1. All conditions of the Tempe Design Review Board/Staff shall be adhered to.
2. All permits and clearances required by the Building and Safety Division shall be obtained prior to the variance becoming effective.
3. Any variance(s) not specifically requested by the applicant at this time will require processing.

BA030248 Request by **YBARRA RESIDENCE** for a variance to reduce the front yard setback from 25 feet to 21 feet to allow a 4 foot roof extension located at 1309 West 7th Street in the R1-6, Single Family Residential District.

Mr. Steve Ybarra was present to represent this case.

Approved subject to the following conditions:

1. Variance valid for plans as submitted within this application.
2. Obtain clearances from the Building Safety Department.

BA030249 Request by **SADDLE CLUB APARTMENTS** for a variance to increase the maximum allowable fence height in the front yard setback from 4 feet to 7 feet located at 3730 South Mill Avenue in the R-3, Multi-Family Residential Limited District.

Mr. Richard Giusti was present to represent this case.

Approved subject to the following conditions:

1. Final location and appearance of the proposed fence and gates to be approved by Design Review, Police, Fire and Transportation. Submit an application for Design Review.
2. Obtain necessary clearances from the Building Safety Department.

BA030250 Request by the **LONGACRE RESIDENCE** for a variance to reduce the west side yard setback from 7 feet to 3 feet to allow a carport located at 1807 East La Vieve Lane in the R1-7, Single Family Residential District.

Due to written opposition, Steve Venker, acting as Hearing Officer, continued this case to the November 24, 2003 Board of Adjustment meeting.

BA030251 Request by **POPEYES RESTAURANT** for the following located at 457 West Broadway Road in the I-1, Light Industrial District:

- a. Variance to increase the maximum allowable sign area ~~for a freestanding identification sign~~ from 40 s.f. to 83 s.f. **CORRECTED BY HEARING OFFICER**
- b. Variance to allow a center individual tenant freestanding sign.
- c. Variance to allow a second freestanding identification sign on the same street frontage.

Mr. John Busby was present to represent this case.

Approved subject to the following conditions:

1. The sign variances are valid for the plans within this submittal and as approved by the Design Review Board staff (DRB03208).
2. Obtain sign permits prior to installation of signs.
3. **Outdoor lighting at 457 West Broadway Road is presently under review due to the installation of non-compliant fixtures on the building and at the site, as well as discrepancies between city approved as-built plans and site installation. Should the city determine it necessary, Popeye's Chicken will be required to modify the outdoor lighting to bring the site/project into compliance. All lighting issues shall be resolved prior to issuance of any new sign permits. ADDED BY HEARING OFFICER**

REDEVELOPMENT REVIEW CASES

RRC03045 Request by **CACTUS SPORTS** for a variance to increase the maximum allowable sign area for a building identification sign from 40 s.f. to 81 s.f. located at 401 South Mill Avenue in the CCD, Central Commercial District.

Mr. Ron Vincent was present to represent this case.

Approved subject to the following conditions:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to construction.
2. All conditions of the Tempe Design Review Board/Staff shall be adhered to.
3. This use permit is valid for the plans and operations as submitted to and approved by Hearing Officer.
4. The use permit is valid for **CACTUS SPORTS** and may be transferable with approval from the Board of Adjustment staff.

RRC03047 Request by **BANDERSNATCH** for a use permit to allow the transfer of ownership located at 125 East 5th Street in the CCD, Central Commercial District.

Mr. S. Barrett Rinzler was present to represent this case.

Approved subject to the following conditions:

1. Any variances or use permits not specifically requested by the applicant at this time will require separate processing.
2. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
3. This use shall not violate the City of Tempe Noise Ordinance.
4. This use permit is not transferable. Should the business be sold, the new owners must reprocess through the Hearing Officer or Board of Adjustment.
5. If there are any complaints arising from the uses herein permitted that are verified by a consensus of the complaining party and the City Attorney's office, the use permit may be returned to the Board of Adjustment and another hearing set to re-evaluate the use permit.
6. Any intensification or expansion of this use shall require that a new use permit be applied for and obtained.
7. The applicant shall replace dead/missing landscape materials to restore the site landscaping to the original approved landscape plan.
8. The applicant shall remove the nine (9) port-a-johns from required parking (southeast corner of site).
9. The applicant shall remove all non-compliant security lighting from the site and work with Design Review staff to develop a lighting plan to bring the site up to date with current codes and ordinances related to security lighting.

RRC03048 Request by **TEMPE YOUTH RESOURCE CENTER** for a use permit extension to allow a day services program for homeless youth ages 9 through 21 located at 101 East 6th Street in the CCD, Central Commercial District.

Ms. Janet Garcia was present to represent this case.

Approved subject to the following conditions:

1. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
2. The use permit is non-transferable and is issued to Tumbleweed Center for Youth Development (Tempe Youth Resource Center) only.
3. If there are any complaints arising from the uses herein permitted that are verified by a consensus of the complaining party and the City Attorney's office, the use permit may be returned to the Board of Adjustment for re-evaluation and review.

The next Hearing Officer meeting will be **November 18, 2003**.

There being no further business the meeting adjourned at 2:05 PM.

Prepared by: Diane McGuire, Administrative Assistant II

Reviewed by:

Steve Venker
Planning & Zoning Manager/Hearing Officer

SV:dm